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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ALEXANDER STEVEN KING,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:18-cv-00202-MMD-WGC

ORDER

This *pro se* habeas petition comes before the Court on petitioner's motion for appointment of counsel (ECF No. 1-4) and for initial review pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, as well as other miscellaneous motions filed by the petitioner.

Following initial review and consideration of the petitioner's motion for appointment of counsel, the Court finds that appointment of counsel is in the interests of justice given, *inter alia*, petitioner's learning disabilities and mental health issues and lengthy sentence of 24 years to life. Petitioner's *in forma pauperis* application (ECF No. 6) demonstrates that petitioner cannot afford counsel and is therefore financially eligible for appointment of counsel pursuant to 18 U.S.C. § 3006A. Petitioner's motion for appointment of counsel will therefore be granted.

Petitioner's application for leave to proceed *in forma pauperis* will be denied as moot, as petitioner has already paid the filing fee. Petitioner's motion to amend and motion to file an

1 extended petition (ECF Nos. 1-2 & 1-3) will be denied as unnecessary in light of the appointment  
2 of counsel.

3 IT THEREFORE IS ORDERED that Clerk of Court shall detach and file the petition for  
4 writ of habeas corpus (ECF No. 1-1), motion to file an extended petition (ECF No. 1-2), motion to  
5 amend (ECF No. 1-3) and motion for appointment of counsel (ECF No. 1-4). The Clerk shall  
6 reflect on the docket that, by way of this order, the court DENIES petitioner's motion to amend  
7 and motion to file an extended petition (ECF Nos. 1-3 and 1-2), and GRANTS petitioner's motion  
8 for appointment of counsel (ECF No. 1-4).

9 IT FURTHER IS ORDERED that petitioner's application to proceed *in forma pauperis*  
10 (ECF No. 6) is DENIED AS MOOT.

11 IT FURTHER IS ORDERED that the Federal Public Defender shall be provisionally  
12 appointed as counsel and shall have thirty (30) days to undertake direct representation of petitioner  
13 or to indicate to the Court the office's inability to represent petitioner in these proceedings. If the  
14 Federal Public Defender is unable to represent petitioner, the Court then shall appoint alternate  
15 counsel. The counsel appointed will represent the petitioner in all federal proceedings related to  
16 this matter, including any appeals or certiorari proceedings, unless allowed to withdraw. A  
17 deadline for the filing of an amended petition and/or seeking other relief will be set after counsel  
18 has entered an appearance. The Court anticipates setting the deadline for approximately ninety  
19 (90) days from entry of the formal order of appointment. Any deadline established and/or any  
20 extension thereof will not signify any implied finding of a basis for tolling during the time period  
21 established. Petitioner at all times remains responsible for calculating the running of the federal  
22 limitation period and timely presenting claims. That is, by setting a deadline to amend the petition  
23 and/or by granting any extension thereof, the Court makes no finding or representation that the  
24 petition, any amendments thereto, and/or any claims contained therein are not subject to dismissal  
25 as untimely. *See Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

26 IT FURTHER IS ORDERED, so that the respondents may be electronically served with  
27 any papers filed through counsel, that the Clerk shall add state attorney general Adam P. Laxalt as  
28 counsel for respondents and shall make informal electronic service of this order upon respondents

1 by directing a notice of electronic filing to him. Respondents' counsel shall enter a notice of  
2 appearance within twenty-one (21) days of entry of this order, but no further response shall be  
3 required from respondents until further order of the Court.

4 The Clerk accordingly shall send a copy of this order to the *pro se* petitioner, the Nevada  
5 Attorney General, the Federal Public Defender, and the CJA Coordinator for this division.

6 DATED THIS 24 day of July 2018.

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9 ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE